

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LEAK,

Plaintiff,

vs.

JODI DEANGELO, et al.,

Defendants.

2:21-CV-12327-TGB-DRG

HON. TERRENCE G. BERG

HON. DAVID R. GRAND

**ORDER ADOPTING REPORT
AND RECOMMENDATION
(ECF NO. 37)**

This matter is before the Court on Magistrate Judge David R. Grand's April 21, 2023 Report and Recommendation (ECF No. 37) recommending that Defendants' Motion to Dismiss or, in the alternative, for Summary Judgment (ECF No. 31) be **GRANTED IN PART AND DENIED IN PART**.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will

therefore accept the Magistrate's Report and Recommendation of April 21, 2023 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation of April 21, 2023 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendants' Motion is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's claims against Defendants DeAngelo and Gallimore are **DISMISSED**. Plaintiff's First Amendment retaliation claim and Eighth Amendment medical detail claim against Defendant Logan may proceed.

IT IS SO ORDERED this 30th day of May, 2023.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge